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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,837	04/26/1999	CHARLES W. JONES	6313-63761	1695

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EXAMINER

WINSTEDT, JENNIFER E

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 03/12/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/269,837

Applicant(s)

JONES, CHARLES W.

Examiner

Jennifer E Winstedt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28,39-42 and 46-48 is/are allowed.
- 6) ☒ Claim(s) 22-27,29-32,37,38 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U.S. Patent 5,499,136).

Regarding claim 43, Jones discloses a stereographic device comprising a content support portion having stereographic content thereon (28C, Figure 31 and 28D, Figure 36); and a hand held stereographic viewer (7C, Figure 29 and 7D, Figure 36) including left and right lenses to permit the content to be optically conveyed to enable perception of a binocular stereo field of three dimensional content (6C, Figure 29 and column 7, lines 62-63). Jones also discloses a viewer pivotal chassis that couples the viewer to the content support (see Figures 29-31 and 36 and column 21, lines 43-51), allows the distance between the viewer and the content to be varied (see Figures 29, 30, 34, and 35), and allows the viewer to be scanned up and down in a plane parallel to a plane common to a surface of the content while maintaining focus (see Figures 29 and 30). Since the structure of the stereographic device of Jones is the same as the claimed structure, the stereographic device of Jones must inherently support the

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content remaining in focus during the scanning movement in the same manner as the structure of the claimed invention.

Regarding claim 44, Jones discloses that the left and right lenses of the viewer are adjustable (column 19, line 66 – column 20, line 8 and column 21, lines 54-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-25, 27, 29, 31, 32, 37, 38, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Stevens (U.S. Patent 262,846).

Regarding claims 22, 32, and 45, Jones discloses that the content support portion supports textual, stereographic, and immersive content, the content conveys four visual fields, including a left peripheral monocular field, a left binocular stereo field, a right binocular stereo field, and a right peripheral monocular, respectively (column 7, lines 39-49 and 59-63), the viewer has occluding apertures (38A, Figure 14 and column 20, lines 3-4) that along with the adjustable lenses are configured to enable the right binocular and monocular fields to be occluded from the left eye and the left binocular and monocular field to be occluded from the right eye and to perception of a central binocular stereo field of three dimensional content and left and right peripheral monocular fields of two dimensional content (column 7, lines 15-50), and the viewer

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pivotal chassis includes a plurality of pivotal axes parallel to a line which bisects the left and right lenses of the viewer (10C, Figures 29 and 30, and 10D, Figure 36). Jones does not disclose the occluding apertures being adjustable, wherein the left and right adjustable occluding apertures enable independent adjustment relative to respective lenses. Stevens discloses occluding apertures that are adjustable, wherein left and right adjustable occluding apertures enable independent adjustment relative to respective lenses (h, Figures 1, 2, and 3 and page 1, lines 83-88). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the occluding apertures of Jones be adjustable, wherein left and right adjustable occluding apertures enable independent adjustment relative to respective lenses as Stevens suggests in order to allow an user, at their pleasure, to view either all of the content or the right or left half alone (page 1, lines 19-23; Stevens).

Regarding claim 23, Jones in view of Stevens discloses that the content support portion is configured to position and support a page axis to enable a plurality of pages to be pivotable, the page axis being parallel to the line which bisects the left and right lenses of the viewer (2C, Figures 29 and 30 and 2D, Figures 34 and 35; Jones), each of the pages having first and second opposite surfaces, each of the surfaces being pivotally positionable to convey the content optically with the viewer (3C, 3C2, Figures 29 and 30 and 3D, 3D, Figures 34 and 35; Jones), so that two pivotally exposed page surfaces, which are adjacent to and opposite each other and disposed one on each side of the page axis, in an arrangement commonly known as two spread pages, are visually

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scannable with the viewer while maintaining focus (see Figures 29, 30, 34, and 35; Jones).

Regarding claim 24, Jones in view of Stevens discloses that the content support portion is configured to provide a rigid, generally planar surface to position and supports the page axis and plurality of pages (see Figure 36; Jones), to enable at least two pivotally exposed pages, which are adjacent to and opposite each other and disposed one on each side of the page axis, in an arrangement commonly known as two spread pages, to be supported in a generally common plane (see Figure 3; Jones).

Regarding claim 25, Jones in view of Stevens discloses that the content support portion is configured to provide an articulated, pivotable page support surface, with at least one pivotal axis which is parallel and generally adjacent to the page pivotal axis to thereby enable the device to be conformable into a compact size when a storage configuration (26C, Figure 26; Jones).

Regarding claim 27, Jones in view of Stevens discloses that the plurality of pages and the content support portion are configured to be compatible with each other to enable releasable attachment to each other (2C, 4C, Figures 28-30 and column 21, lines 44-50).

Regarding claims 29 and 31, Jones in view of Stevens discloses that the content support portion is configured to provide a rigid, generally planar surface to position, support in a generally common plane and releasably attach at least one surface of a page provided with the content (see Figures 36; Jones; loop units 2D(similar to units 2C) releasably attach at least one surface of a page provided with the content (column

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21, lines 44-51)), to enable content to be positioned to be optically conveyed and visually scanned with the viewer while maintaining focus (see Figures 34 and 35; Jones).

Regarding claim 37, Jones in view of Stevens discloses that the content support portion, the viewer, and the viewer pivotal chassis are pivotally conformable into a storage configuration that interposes the lenses of the viewer into a shielded position between the viewer pivotal chassis and the content support portion (see Figures 28 and 33; Jones).

Regarding claim 38, Jones in view of Stevens discloses that the content support portion, the viewer, and the viewer pivotal chassis are maintained in the storage configuration with releasable fasteners (column 22, lines 9-15; Jones).

5. Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Stevens as applied to claims 22-25, 27, 29, 31, 32, 37, 38, and 45 above, and further in view of Seamans et al. (U.S. Patent 5,204,776).

Regarding claims 26 and 30, Jones in view of Stevens discloses the claimed invention as described above except for each of the plurality of pages being configured as a transparent sleeve to enable at least two photographic stereographic pairs of the content to be placed back to back and slidably inserted into each sleeve; so that the first and second opposite surfaces of each page display the image-bearing surfaces of the photographic stereographic pairs to enable at least two photographic pairs to be optically conveyed with the viewer. Seamans et al. discloses each of a plurality of pages being configured as a transparent sleeve inserted into each sleeve (38, 39, 50,

Figure 4 and column 3, lines 13-15 and 24-27); so that first and second opposite surfaces of each page display image-bearing surfaces of photographic stereographic pairs to enable the photographic stereographic pairs to be optically conveyed with a viewer (see Figure 7 and column 3, lines 31-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have each of the plurality of pages of Jones in view of Stevens be configured as a transparent sleeve as Seamans et al. suggests in order to allow a user to readily store the plurality of pages in a binder (column 1, lines 42-44; Seamans et al.).

Allowable Subject Matter

6. Claims 33-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 28, 39-41, and 46-48 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 28 and 46-48 is allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the plurality of pivotal pages, each having first and second opposite surface provided with the content, being configured so that the upright direction of the content is oriented towards the pivotal axis of the pages and the pages and the content support portion are compatibly configured to be releasably attached to each other so that the upright content of the first surfaces is oriented,

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attached, positioned, pivoted, and viewed sequentially with the viewer and then be released, reoriented, reattached, and repositioned to enable the upright content of the opposite second surfaces to be pivoted and thereby viewed sequentially with the viewer as claimed in the claimed invention.

Claims 34-36 are allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the lenses and the occluding members all being adjusted simultaneously as claimed in the claimed combination. The means of adjustment to enable synchronized equidistant movement will adjust the lenses and occluding apertures all simultaneously.

Claims 39, 40, and 42 are allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the left and right occluding apertures each being located in a common plane and being movable in the common plane to adjust the locations of the left and right occluding apertures as claimed in the claimed combination. The occluding apertures of Stevens are not movable in a common plane to adjust the locations of the left and right occluding apertures.

Claims 33 and 41 are allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest adjusting the right lens together with and at the same time as the right occluding aperture and the left lens together with and at the same times as the left occluding aperture as claimed in the claimed combination. The prior art discloses adjusting lenses and occluding apertures independently from one another, but not together.

Response to Arguments

9. Applicant's arguments filed 12/21/01 regarding claims 22-27 and 29-38 have been fully considered but they are not persuasive.

The applicant argues that the geometry of the viewer pivotal chassis of Jones does not permit the viewer to scan up and down in a plane while keeping focused on the content. The examiner points out that the viewer pivotal chassis of Jones discloses of the structure claimed. Therefore, it must inherently be able to scan up and down in a plane while keeping focused on the content just as the claimed structure does.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E Winstedt whose telephone number is (703) 305-0577. The examiner can normally be reached on 7:30-17:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JW

March 8, 2002



Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800